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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

16 U.S. SMALL BUSINESS  
17 ADMINISTRATION, as Receiver for  
18 PROSPERO VENTURES, L.P,

19 Plaintiff,

20 v.

21 JOHN W. MURPHY,

22 Defendant.

CASE NO. 07-03737 VRW

Related Cases:

C07-03739-VRW; C07-03736-VRW;  
C07-03738-VRW; C07-03732-VRW;  
C07-03741-VRW

UNOPPOSED MOTION FOR EXTENSION  
THROUGH APRIL 22, 2008 TO FILE  
DEFENDANT'S OPPOSITION TO  
PLAINTIFF'S MOTION TO STRIKE  
AFFIRMATIVE DEFENSES

23 NOW COMES Damien Powell, Counsel for Defendant in the above-referenced matter  
24 and respectfully requests that the current deadline of April 17, 2008 for Defendant's Opposition  
25 to the Plaintiff's Motion to Strike Affirmative Defenses be extended through and including April  
26 22, 2008. In support of this request for a five-day extension, Counsel for the Defendant states as  
27 follows:  
28

1           1.       The hearing date for the Plaintiff's Motion is scheduled for May 8, 2008 at 2:30  
2 p.m. The Plaintiff filed its Motion to Strike on April 3, 2008. Counsel for the Defendant was  
3 out of the office on paternity leave from April 5, 2008 until April 14, 2008.  
4

5           2.       Plaintiff's Motion to Strike involves complex issues of law which require a  
6 significant amount of research and analysis. Based on the complexity of the issues in this case, a  
7 brief period of additional time is needed to prepare the Defendant's Opposition.  
8

9           3.       So that there is no prejudice to the Plaintiff, Counsel for the Defendant is also  
10 requesting that the current deadline of April 24, 2008 for Plaintiff's reply to Defendant's  
11 Opposition be extended through and including April 29, 2008, seven days after the proposed  
12 deadline for Defendant's Opposition.  
13

14           4.       Plaintiff's counsel has informed Defendant's counsel that Plaintiff will not oppose  
15 this Motion for Extension as long as Plaintiff is afforded seven days to respond to Defendant's  
16 Opposition.  
17

18           For the foregoing reasons, the Counsel for the Defendant respectfully requests that Court  
19 grant Defendant's Motion for An Extension. Counsel for the Defendant has attached a Proposed  
20 Order as Exhibit A.  
21

22 Dated: April 16, 2008

DONOGHUE, BARRETT & SINGAL, P.C.

23 By: /s/ Damien Powell  
24 Damien Powell  
25 Attorney for Defendant  
26 *Appearance Pro Hac Vice*  
27  
28

O'CONNOR & ASSOCIATES  
John O'Connor  
Attorney for Defendant,

Exhibit A

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

U.S. SMALL BUSINESS  
ADMINISTRATION, as Receiver for  
PROSPERO VENTURES, L.P,

Plaintiff,

v.

JOHN W. MURPHY,

Defendant.

CASE NO. 07-03737 VRW

[PROPOSED] ORDER GRANTING  
DEFENDANT'S MOTION FOR  
EXTENSION THROUGH APRIL 22, 2008  
TO FILE DEFENDANT'S OPPOSITION TO  
PLAINTIFF'S MOTION TO STRIKE  
AFFIRMATIVE DEFENSES

This Court, having read and considered the moving papers in this matter, makes the following finding:

1. Defendant's Motion for an Extension Through April 22, 2008 to File An Opposition to Plaintiff's Motion to Strike Affirmative Defenses is Granted.
2. The deadline for Defendant's Opposition to Plaintiff's Motion to Strike shall be extended until April 22, 2008.
3. The deadline for Plaintiff's Reply to Defendant's Opposition shall be extended to April 29, 2008.

Chief Judge Vaughn R Walker  
United States District Court  
Northern District of California

Dated: \_\_\_\_\_

**PROOF OF SERVICE**

I, Damien C. Powell, admitted *pro hac vice* in the United States District Court, Northern District of California, declare:

I am a citizen of the United States of America and a resident of the Commonwealth of Massachusetts. I am over the age of eighteen (18) years. My business address is Donoghue, Barrett & Singal, P.C., 1 Beacon Street, Boston MA 02108. The business address of John O'Connor, Esq., the local counsel to the defendant, is One Embarcadero Center, Suite 1020, San Francisco, California 94111.

On April 16, 2008, I served the foregoing document(s) described as **DECLARATION OF DAMIEN POWELL, COUNSEL FOR DEFENDANT, AND MOTION FOR EXTENSION THROUGH APRIL 22, 2008 TO FILE DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE AFFIRMATIVE DEFENSES AND [PROPOSED] ORDER THEREON** on the interested parties, at the addresses as stated below.

**Via First Class Mail:**

**Arlene P. Messinger**  
US Small Business Administration  
409 3rd Street, SW, 7<sup>th</sup> Floor  
Washington, DC 20416  
202-205-6857

**Via Electronic Mail:**

**Christine Jean Levin**  
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499 W. Shaw Avenue  
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**Darryl J. Horowitz**  
Coleman & Horowitz, LLP  
Attorneys at Law  
499 West Shaw Avenue  
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559-248-4820  
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Email: dhorowitz@ch-law.com

**Via Federal Express Overnight:**

Hon. Vaughn R. Walker  
U.S. District Court, Northern District  
450 Golden Gate Avenue  
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct. Executed on  
April 16, 2008, in Boston, Massachusetts.

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Damien C. Powell